

REMARKS

The specification has been amended to make editorial changes therein, bearing in mind the criticisms in the Official Action.

The present amendment cancels claims 5-6, 13-14, and 21-22, leaving claims 1-4, 7-12, 15-20, and 23-24 in the application.

The Official Action objects to the form of claims 3-8, 11-16, and 19-24. These claims have been amended as to form (or canceled) and reconsideration and withdrawal of the objection are respectfully requested.

Claim 1 was rejected as anticipated by NISHIMURA et al. 2003/0013484 A1. Claim 1 has been amended to include the subject matter of claim 5 and is allowable for the reasons given below. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 3 was rejected as anticipated by NISHIMURA et al. Claim 3 has been amended and reconsideration and withdrawal of the rejection are respectfully requested.

Amended claim 3 provides, among other features, that the control section controls the light emitting section to continuously emit light while the (image) capturing section is not active with an intensity that is lower than the intensity of light emitted at the time of capturing an image. In other words,

the phone can be operated as a flashlight with lower intensity light than when recording images.

NISHIMURA et al. do not disclose a control section that controls the light emitting section to continuously emit light while the (image) capturing section is not active with an intensity that is lower than the intensity of light emitted at the time of capturing an image. NISHIMURA et al. disclose that the light is off (not emitting continuously) when the image is not being recorded (e.g., paragraph 0174). Accordingly, claim 3 avoids the rejection under §102.

It is also noted that while SASAKI JP 2000-138441 discloses a phone that has a flashlight (operated by switch 41), SASAKI does not disclose that the light from the flashlight has a lower intensity than when the light is being used at the time of capturing an image. There is only one intensity of light emitted from the phone in SASAKI.

Claim 2 was rejected as unpatentable over NISHIMURA et al. in view of SASAKI. Claim 2 has been amended to depend from claim 1 and is allowable for the reasons given above for claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 4 was rejected as unpatentable over NISHIMURA et al. in view of SASAKI. Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 4 provides, among other features, that when the light is operated while the image capturing section is not active, the light emits continuously until an operation is executed, where the continuously emitted light has a lower intensity than that of the light emitted when capturing an image.

The Official Action acknowledges that NISHIMURA et al. do not disclose these features and relies on SASAKI for the suggestion to modify the device in NISHIMURA. However, as noted above, SASAKI does not disclose that the light continuously emitted when the capturing section is not active is lower than the intensity of light emitted at the time of capturing an image. Accordingly, this feature is not disclosed in the proposed combination and would not be obvious to one of skill in the art, and claim 4 avoids the rejection under §103.

Claim 5 was rejected as unpatentable over NISHIMURA et al. in view of ITO et al. 2003/0107656 A1. The subject matter of claim 5 has been included in claim 1 and claim 5 has been canceled.

The subject matter of claim 5, now in claim 1, is allowable because the present application has a priority date that precedes the U.S. filing date of ITO et al. The claim to priority is perfected by filing herewith a verified English translation of the Japanese priority application 2002-316623 filed October 30, 2002, which is before the December 9, 2002 U.S. filing date of ITO et al. Withdrawal of ITO et al. as a

reference and of the rejections based on ITO et al. are respectfully requested.

Claim 6 was rejected as unpatentable over NISHIMURA et al. in view of SASAKI and ITO et al. This claim has been canceled as it became redundant upon changing the dependency of claim 2.

Claim 7 was rejected as unpatentable over NISHIMURA et al. in view of ITO et al. and claim 8 was rejected as unpatentable over NISHIMURA et al. in view of SASAKI and ITO et al. These claims depend from allowable claims 3 and 4, respectively, and are allowable therewith. Further, these claims are allowable because ITO et al. has been removed as a reference. Reconsideration and withdrawal of the rejections are respectfully requested.

Claims 9 and 17 were rejected as unpatentable over NISHIMURA et al. Claim 9 has been amended to include the subject matter of claim 13 and claim 17 has been amended to include the subject matter of 21. Amended claims 9 and 17 are allowable for the reasons given below. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 11 and 19 were rejected as unpatentable over NISHIMURA et al. Claims 11 and 19 have been amended and reconsideration and withdrawal of the rejection are respectfully requested.

Amended claims 11 and 19 provide, among other features, that light emitting means is controlled to continuously emit light while the (image) capturing section is not active with an intensity that is lower than the intensity of light emitted at the time of capturing an image. In other words, the phone can be operated as a flashlight with lower intensity light than when recording images.

NISHIMURA et al. do not disclose a control section that controls the light emitting section to continuously emit light while the (image) capturing section is not active with an intensity that is lower than the intensity of light emitted at the time of capturing an image. NISHIMURA et al. disclose that the light is off (not emitting continuously) when the image is not being recorded (e.g., paragraph 0174). Accordingly, claims 11 and 19 avoid the rejection under §103.

As noted above, SASAKI discloses a phone that has a flashlight (operated by switch 41) but does not disclose that the light from the flashlight has a lower intensity than when the light is being used at the time of capturing an image. There is only one intensity of light emitted from the phone in SASAKI.

Claims 10 and 18 were rejected as unpatentable over NISHIMURA et al. in view of SASAKI. Claims 10 and 18 have been amended to depend from claims 9 and 17, respectively, and are allowable for the reasons given above for claims 9 and 17.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12 and 20 were rejected as unpatentable over NISHIMURA et al. in view of SASAKI. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 12 and 20 provide, among other features, that when the light is operated while the image capturing section is not active, the light emits continuously until an operation is executed, where the continuously emitted light has a lower intensity than that of the light emitted when capturing an image.

The Official Action acknowledges that NISHIMURA et al. do not disclose these features and relies on SASAKI for the suggestion to modify the device in NISHIMURA. However, as noted above, SASAKI does not disclose that the light continuously emitted when the capturing section is not active is lower than the intensity of light emitted at the time of capturing an image. Accordingly, this feature is not disclosed in the proposed combination and would not be obvious to one of skill in the art, and claims 12 and 20 avoid the rejection under §103.

Claims 13 and 21 were rejected as unpatentable over NISHIMURA et al. in view of ITO et al. The subject matter of claim 13 has been included in claim 9 and the subject matter of claim 21 has been included in claim 17. Claims 13 and 21 have been canceled.

The subject matter of claims 13 and 21, now in claims 9 and 17, is allowable because ITO et al. is no longer a reference.

Claims 14 and 22 were rejected as unpatentable over NISHIMURA et al. in view of SASAKI and ITO et al. These claims have been canceled as they became redundant upon changing the dependency of claims 10 and 18.

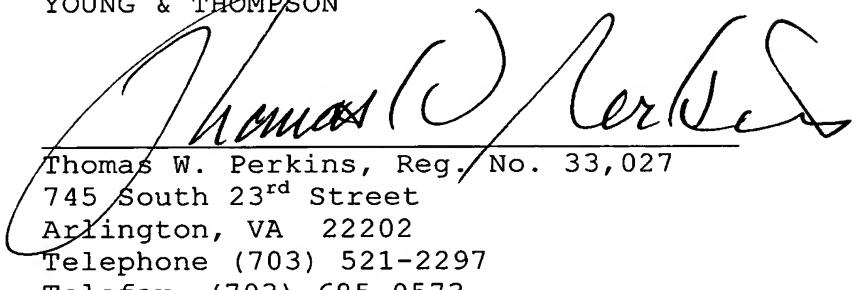
Claims 15 and 23 were rejected as unpatentable over NISHIMURA et al. in view of ITO et al. and claims 16 and 24 were rejected as unpatentable over NISHIMURA et al. in view of SASAKI and ITO et al. These claims depend from allowable claims 11-12 and 19-20, respectively, and are allowable therewith. Further, these claims are allowable because ITO et al. has been removed as a reference. Reconsideration and withdrawal of the rejections are respectfully requested.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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TWP/lrs

**APPENDIX:**

The Appendix includes the following item:

- a verified English translation of Japanese priority Application No. 2002-316623 filed October 30, 2002